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OFFICE OF PETITIONS

In re Application of	:	
Boakes et al.	:	DECISION ON PETITION
Application No. 10/022,332	:	UNDER 37 CFR 1.181
Filed: December 20, 2001	:	
Attorney Docket No. 367-40946X00	:	

This is a decision on the renewed petition under 37 CFR 1.181, filed August 3, 2006, to withdraw the holding of abandonment.

On September 13, 2004, the Office mailed a nonfinal Office action, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed response, the application became abandoned on December 14, 2004. On April 18, 2005, the Office mailed a Notice of Abandonment.

The practitioner requests that the Office withdraw the holding of abandonment on the basis that the nonfinal Office action was not received. Specifically, the practitioner notes that it is the practice of the law firm in its manual docketing system to docket only the full statutory period for any response. The practitioner further asserts that he inspected the file of the above-identified application maintained in the law office and the manual docketing records and did find any communication concerning the receipt of the nonfinal Office action. In support of the assertion, the practitioner submits a copy of the docketing records for the present application for the relevant period. Accordingly, petitioner presented the required showing under 37 CFR 1.181.

The renewed petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2833 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new nonfinal Office Action. The three (3) month shortened statutory time period for responding to the nonfinal Office Action will be set to run from the mailing date of the new nonfinal Office Action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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